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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the eighth periodic report of Sri Lanka

Addendum

Replies of Sri Lanka*

[Date received: 8 February 2017]

Note: The present document is being circulated in English, French and Spanish only.
* The present document is being issued without formal editing.

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1. This response seeks to provide information in respect of matters raised by the Committee on the Elimination of Discrimination against Women in the List of Issues pertaining to the Eighth Periodic Report of Sri Lanka under the Convention on the Elimination of All Forms of Discrimination against Women.

2. The Government of Sri Lanka wishes to draw the kind attention of the Committee Members to the following factors in its assessment of the information provided in this Response, and positions taken in its Eighth Periodic Report submitted in April 2015:

(a) Following the Presidential election held on 8 January 2015, the Government launched a 'Hundred Day Programme' which was presented as the Presidential manifesto, to address pending urgent issues including issues relating to human rights, reconciliation and development. Several steps to advance good governance, strengthen the rule of law and democracy, promote and protect human rights, ensure media freedom, enhance the independence of the judiciary, strengthen civilian administration in the former conflict affected areas etc., were taken during the first hundred days. Thereafter, following the Parliamentary Election in August 2015, the present National Unity Government was formed, uniting the two main rival political parties in Sri Lanka — the Sri Lanka Freedom Party and the United National Party — under the leadership of President Maithripala Sirisena and Prime Minister Ranil Wickremesinghe, with the intention of taking steps to provide the political stability required to usher in essential reform for economic development, strengthening democracy, rule of law and good governance; combating corruption; advancing reconciliation and promoting, protecting and upholding human rights of all the people in the country;

(b) Following the Presidential and Parliamentary Elections in January and August 2015 respectively, greater democratic space was created through a series of constitutional and administrative measures. These included strengthening the independence of the judiciary (appointing the senior-most Judge in the Supreme Court as Chief Justice), restoring media freedom, and enacting the Nineteenth Amendment to the Constitution which restored the independence of key public institutions. Following the parliamentary election held on 17 August 2015, the present Government made a commitment to finding solutions to national issues through consensus. In addressing the complex post-conflict political challenges relating to peace and reconciliation, the Government continues to pursue the path of making progress in the areas of rule of law, economic development, sustainable peace, and good governance for all. As set out by the Hon. Minister of Foreign Affairs at the Human Rights Council, the Government is firmly committed to working, with the support of the international community, to address outstanding issues relating to reconciliation, accountability and human rights through credible processes to deal with truth-seeking, justice, reparations and the guarantee of non-recurrence;

(c) The Government, while remaining committed to continuing with democratic reform, reconciliation, and protection and promotion of human rights of all, is conscious of the need to do so through consultative and inclusive processes. This may entail the processes taking more time, yet, the importance of creating awareness, seeking views of the public etc., has its merits in terms of ensuring long-term durability and success of the reforms undertaken and implemented.

3. On the specific matter of elimination of discrimination against women, several significant policy measures were taken during the last 2 years with a view to recognizing and giving effect to the rights enshrined in the Convention and the relevant domestic laws. The Ministry of Women and Child Affairs (MWCA) and the National Committee on Women (NCW) play a significant policy and implementation role in Convention-related matters in consultation/coordination with other stakeholders. Furthermore:

(a) Of note in this regard is the decision made to increase political representation of women in the second and third tier of government, such as the Provincial Councils and Local Government bodies by 25 per cent as part of the "Hundred Days Programme" of the Government in 2015. Accordingly, the Local Government Elections Act was amended in 2016 to include a 25 per cent quota for women in Local Government bodies. A proposal has also been made to considerably increase female representation at the Provincial Council level;

(b) The National Action Plan on Gender-based Violence addressing matters pertaining to women in nine lead sectors and formulated following extensive national-level consultations as well as the United Nations Development Programme (UNDP), was approved by the Cabinet on 15 June 2016 and launched in November 2016;

(c) In October 2016, the Cabinet approved a policy on Female Headed Households (FHH), based on which the MWCA is formulating a National Action Plan, focusing on health, psychosocial support, livelihood development, support service systems, etc. for women headed households in the country, with special focus on conflict affected women;

(d) In January 2017, the Government of Sri Lanka finalized Sri Lanka's National Human Rights Action Plan (NHRAP) for the period 2017-2021, which contains separate chapter on the protection and promotion of rights of women. The NHRAP, formulated with the contribution and the active participation of government agencies, members of the civil society and the general public, outlines the policy of the Government of Sri Lanka vis-à-vis the protection and promotion of human rights in the 10 key areas of (i) civil and political rights, (ii) economic, social and cultural rights, (iii) prevention of torture, (iv) rights of women, (v) rights of the child, (vi) rights of migrant workers, (vii) labour rights, (viii) rights of internally displaced persons, (ix) rights of persons with disabilities, and (x) environmental rights. The Human Rights Commission of Sri Lanka (HRCSL) was a stakeholder in the process of developing the NHRAP;

(e) Pursuant to the enactment of the 19th Amendment to the Constitution in 2015, two female professionals[1] were appointed to key positions in independent commissions, namely as the Chairperson of HRCSL and as the Director General of the Commission to Investigate Bribery or Corruption (CIABOC).

4. In the backdrop of the above, Sri Lanka wishes to provide the following information in respect of issues raised by the Committee in its List of Issues:

[1] Dr. Deepika Udagama, Chairperson-Human Rights Commission of Sri Lanka and Ms. Dilrukshi Dias Wickremesinghe (Deputy Solicitor-General), Chairperson-Commission to Investigate Bribery or Corruption (February 2015-October 2016).

I. Legal status of the Convention

5. The Constitution of Sri Lanka contains several provisions prohibiting discrimination[2] based on gender, and casting a positive obligation on the State to implement affirmative action[3] for the advancement of Women. In terms of Article 126 of the Constitution, any person subject to discrimination based on his/her gender can make an application to the Supreme Court seeking redress.

6. It may be noted that in addition to the Constitution, Sri Lanka has enacted several pieces of legislation giving effect to the provisions of the Convention, including the amendments to the Penal Code in 1995, 1998 and 2006, The Citizenship (Amendment) Act of 2003, and the Prevention of Domestic Violence Act of 2006. In 2016, new regulations were issued under the Education Ordinance, raising the age for mandatory school education from 14 to 16 years. The enforceability and implementation of the above legislation are ensured by the courts system, law enforcement agencies, the Department of Immigration and Emigration, the Ministry of Education, etc., and the said processes are monitored by the HRCSL.

II. Prohibition of discrimination against women

7. The constitutional and legal provisions discussed above have been utilized by women over the years to seek redress for different forms of discrimination suffered by them.

8. In this regard the Government of Sri Lanka wishes to draw the attention of the Committee to the latest in a series of cases, such as SC/FR/No. 76/2012, where the Supreme Court has exercised its jurisdiction against discriminatory conduct based on gender.

9. The aforesaid case (SC/FR/No. 76/2012) involved the legality of the dismissal of a female teacher of a Government school consequent to her expressing her grievances over the media, on sexual and other harassment perpetrated by a male teacher and the principal of the school. Delivering its judgment in September 2016, the Supreme Court held that the Petitioner was a victim of continuous sexual harassment and abuse by the school authorities, and awarded her reinstatement and compensation.

10. In a significant decision, the Court proceeded to observe that "continuous abuse and sexual harassment over a period of time would cause physical and mental damage to any human being" and that the Petitioner needs to be adequately compensated for the loss caused to her life and reputation.

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[2] Article 12 (2) of the Constitution states that no citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any one of such grounds. Article 12 (3) states that no person shall, on the grounds of race, religion, language, caste, sex or any one of such grounds, be subject to any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels, places of public entertainment and places of public worship of his own religion.

[3] Article 12 (4) of the Constitution states that nothing in Article 12 shall prevent special provision being made, by law, subordinate legislation or executive action, for the advancement of women, children or disabled persons.

11. The court further noted that:

> Sri Lanka boasts of both constitutional as well as international obligations to ensure equity and gender-neutral equality which this Court cannot simply ignore. These constitutional provisions articulate the constitutional imperative of giving due recognition to womenfolk resulting in equality and non-discrimination among sexes.
>
> Therefore this Court is of the view that sexual harassment or work place stress and strain occasioned by oppressive and burdensome conduct under colour of executive office would be an infringement of the fundamental rights of the Petitioner and clearly the fact that the Petitioner in this case snapped under the long and prolonged oppressive conduct directed towards her cannot be held against the petitioner in the advancement and enforcement of fundamental rights which this Court is perforce bound to promote and protect.

12. Recognizing Sri Lanka's commitment to implement the provisions of the Convention, the Court noted as follows:

> Sri Lanka has undertaken international obligations to eliminate all forms of discrimination against women by acceding to the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) on 17.07.1998 and in pursuance of these international obligation Sri Lanka has also enacted several to give vent to these global rights in favour of women.
>
> We are also mindful of comparative jurisprudence such as the House of Laws decision of R v. Ireland and Barstow 1998 AC 147 where it was held that silent phone calls to a women amounted to an assault.

13. The above judgment delivered by a three-judge bench of the Supreme Court including the Hon. Chief Justice indicates the approach taken by the Sri Lankan Judiciary to ensure the justiciability rights and enforceability of laws aimed at the protection and promotion of rights of women.

III. Discriminatory laws

Addressing discriminatory laws through the National Human Rights Action Plan (NHRAP)

14. In the NHRAP 2017-2021 which was finalized by the Government of Sri Lanka in January 2017, specific provisions have been included to give effect to the rights enshrined in the Convention in the domestic system, and to recommend the enactment of urgent legislative amendments to the criminal law and/or other relevant legislation to ensure that the rights of women, including those from all communities, are safeguarded.

15. The following are among the key activities identified in the Women's Rights Chapter of the NHRAP, for implementation during the next five years.

Review/repeal of discriminatory laws

(a.) Personal laws

16. In the NHRAP, the Government has reiterated its commitment to review and repeal 'all discriminatory laws that violate fundamental rights'. It is expected that the review envisaged by the above provision would address, inter alia, discriminatory areas in the personal laws (applicable to women from different ethnic and religious communities) through a consultative process.

17. The above policy is also reflected in the Civil and Political Rights Chapter of the NHRAP which recommends the 'review of the content of Article 16[4] of the Constitution in consultation with the respective communities'. Additionally, the said Chapter recommends the consideration of post enactment judicial review of legislation in the new Constitution – a measure that would enable any citizen to challenge discriminatory provisions of laws already enacted by Parliament.

(b.) Land Development Ordinance (LDO)

18. The Women's Rights Chapter has identified the need for the amendment of the discriminatory provisions in the LDO and in any other personal laws, applicable to land alienation. The same policy has been reiterated in the Chapter on Rights of internally displaced persons, which seeks the review of laws and administrative barriers to ensure non-discrimination in land allocation. (It may be noted that the Government of Sri Lanka has already initiated the process of proposing amendments to the LDO provisions in issue.)

Other legislative amendments envisaged in the NHRAP

19. The following legislative amendments have been recommended in the Women's Rights Chapter of the NHRAP:

(a) The inclusion of a separate section on women's rights in the Fundamental Rights Chapter of the new Constitution;

(b) Rape, both statutory and marital: prevention, through criminal sanction, rape without any exceptions, including where the spouses are judicially separated, and the adoption of a zero tolerance policy towards statutory rape;[5]

(c) Sexual harassment: the expansion of Section 345 of the Penal Code to include cyber bullying as a specific form of sexual harassment;

(d) Sexual Violence as an act of torture: broadening the definition of torture in the Torture Act to include non-State actors, and recognizing sexual violence as a form of torture;

(e) Abortion: permitting the medical termination of pregnancies in specific circumstances such as incest, rape and major congenital abnormalities. (Ministry of Justice is initiating action).

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[4] Article 16 of the Constitution preserves the validity and operation of all written and unwritten laws notwithstanding their inconsistency with the fundamental rights chapter.

[5] Section 363 of the Penal Code doesn't recognize sexual intercourse with a girl over 12 years as rape if she is the lawful spouse of the accused.

20. In addition to the above significant recommendations, the NHRAP, particularly the Chapter on Women's Rights, contains a number of other short-, medium- and long-term measures aimed at giving effect to and implementing the rights contained in the Convention.

Law reform

21. The Government is in the process of proposing and adopting a number of amendments to existing laws with the objective of protecting the rights of women, in line with its commitments under the Convention.

22. The MWCA has established a Law Reforms Committee to work on recommending the introduction of new laws and amending discriminatory laws with a view to ensuring the protection of women and girls. The above Committee has contributed in expediting and advocating legal reforms such as making abortion permissible in exceptional cases and preventing marital rape through criminal sanction, as well as possible reforms to the Vagrants Ordinance.

23. In 2014, a Task Force was appointed by the then Leader of the Opposition (the current Prime Minister) to analyse the nature of violence against women in a changing sociopolitical and economic context and to seek ways to address both its root causes as well as consequences on the lives of women. The Report prepared by the Task Force (Opposition Leader's Report on Violence against Women and Girl Child) which emphasized the need to address the policy gaps and law reforms, was approved as a policy document in Parliament in March 2015.

24. The Task Force has also prepared an Action Plan based on recommendations made in the Report. The Action Plan covers reforms to discriminatory laws, strengthening law enforcement machinery to deal with gender-based violence, and research and data collection. The recommendations given in the report are being implemented on a priority basis by the relevant government institutions. Their implementation is monitored by a high level committee chaired by the Hon. Prime Minister.

25. The following constitute some of the highlights of the ongoing law reform process with regard to the rights of women.

(i) Law on the medical termination of pregnancies

26. In 2016, the Ministry of Justice appointed a Committee chaired by a Supreme Court justice[6] to review the criminal law provisions and propose appropriate amendments. By end 2016, the said Committee concluded their deliberations on the matter of decriminalizing abortion and recommended a range of circumstances under which the medical termination of pregnancies should be allowed. Recommendations previously made by the Law Commission in this regard were also considered by the Committee.

27. Pursuant to the recommendations of the Committee, the Ministry of Justice is taking measures to bring in changes to the existing legal provisions to permit the medical termination of pregnancies in the specific circumstances of rape and incest,

[6] Hon. Justice Buwaneka Aluvihare.

where pregnancy occurs in a girl below the age of 16 (a victim of statutory rape), and in cases of serious foetal impairment.

(ii) Preventing marital rape through criminal sanction

28. The above Committee appointed to review the Penal Code and the Criminal Procedure Code has also commenced discussions on the matter of criminalizing marital rape which is presently recognized only in respect of non-consensual sexual relations during a judicial separation of the spouses. Stakeholder consultations held in this regard in December 2016 have recommended the following:

(a) To initiate a proactive discussion on related issues as an initial step towards eventual law reform;

(b) To conduct qualitative and quantitative psychosocial research in to the prevalence of marital rape;

(c) To convene a series of consultations with stake holders, especially drawing victims, the larger civil society, legal community and the medical community to solicit their views;

(d) To consider the establishment of support services ahead of law reform.

29. A Task Force appointed by the Hon. Prime Minister to make recommendations for the implementation of the Opposition Leader's Report on Violence against Women and Girl Child, as well as the Law Reforms Committee appointed by the Ministry of Women and Child Affairs have also recommended the amendment of the criminal law provisions to ensure that the offence of marital rape covers all circumstances where the consent of the spouse is absent, regardless of the degree of violence it entails.

(iii) Strengthening of the Prevention of Domestic Violence Act

30. Amendments to the Prevention of Domestic Violence Act have been formulated by a group of legal experts appointed to respond to barriers to the effective implementation of the Act. Among the proposed amendments are reforms to the Evidence Ordinance to remove discriminatory provisions on the credibility of women's evidence, including the need for independent corroboration. The above amendment has also been recommended in the Women's Rights Chapter of NHRAP. The proposed amendments have now been forwarded by the MWCA to the Ministry of Justice for necessary action.

(iv) Amendments to the Land Development Ordinance (LDO)

31. The draft amendment repealing gender-discriminatory provisions of the LDO in relation to succession, inheritance and joint ownership have been formulated and sent to the Legal Draftsman's Department. Although the proposed amendment was initially envisaged to be finalized along with several other general amendments to the LDO, in view of the importance and urgency of the matter, it has been decided to instruct the Legal Draftsman to finalize the LDO amendments pertaining to the rights of women on an expeditious basis to be presented to the Cabinet. As land constitutes a devolved subject under the 13th Amendment to the Constitution, the

proposed amendments, once approved by the Cabinet, would also be required to be sent to the Provincial Council for their concurrence.

(v) Reform of customary (personal) laws through sensitization and dialogue

32. The MWCA continues to advocate changes to personal laws applicable to different communities in Sri Lanka through sensitization and dialogue with the respective communities and civil society organizations. Workshops have been conducted with the participation of key Muslim women's rights activists, civil society organizations and religious leaders with special reference to issues pertaining to the Muslim Marriage and Divorce Act. A Report on the recommendations made at the workshops has been submitted to the Cabinet Sub-Committee appointed in October 2016 to make proposals with regard to amending the Muslim Marriage and Divorce Act.

33. The composition of committees appointed by the Government of Sri Lanka to make proposals on this matter has always included representatives from the relevant community including Muslim religious organizations, Muslim lawyers and civil society groups advocating reforms to the Muslim personal law. For instance, the Committee appointed by the Ministry of Justice in 2009 to consider and propose reforms to Muslim matrimonial law and to upgrade Quazi Courts was chaired by a former Supreme Court Judge and other eminent persons from the Muslim Community.

34. Following the appointment of the Cabinet Sub-Committee on the matter in October 2016, the Hon. Minister of Justice who chairs the said Sub-Committee stated that the Committee would 'have discussions with the, Islamic civil societies and Islamic organizations who work for the betterment of the community to come to a final decision'.

Participation of women in the law reform process

35. The Government of Sri Lanka has taken a number of measures to enable the participation of women, fully and equally, in the law reform process including the ongoing process to introduce a new Constitution. The Constitutional Reform process provided a critical opportunity to ensure that principles of gender equality and women's rights as enshrined in international conventions are given due recognition in the supreme law of the Country. It provided the opportunity for women to participate and voice their opinion freely before the Public Representation Committee (PRC), which conducted sittings in all parts of Sri Lanka to obtain the view of the public. Out of the 3,655 representations received by the PRC, over 300 were made by women from different geographical, ethnic and religious groups. It is also observed that three out of the 15 members (one fifth of the membership) of the PRC itself were females.

36. The observations/views received from women during the hearings of the PRC were incorporated in the Final Report of the PRC which has been given serious consideration by the Sub-Committees of the Constitutional Assembly in their deliberations. It was also considered an important source document on the present aspirations and needs of the people of Sri Lanka.[7] The Reports of the 6

[7] http://english.constitutionalassembly.lk/sub-committees.

Sub-Committees were submitted for the consideration of the Steering Committee of the Constitutional Assembly on 19 November 2016. The said reports are available at http://english.constitutionalassembly.lk/index.php?option=com_content&view=article&id=126:interim-report&catid=9:uncategorised&Itemid=437.

37. In January 2016, the Government appointed a 11 member Consultation Task Force (CTF) comprising entirely of civil society members to lead the Public Consultations on the design and implementation process of the mechanisms for truth seeking, justice, reparations and non-recurrence, in line with the Human Rights Council resolution 30/1. The CTF was headed by a leading female human rights lawyer,[8] and six out of the 11 members of the Task Force comprised women.

38. The report of the CTF which was handed over to the Government in January 2017 contains a number of recommendations pertaining to safeguarding the rights of women, particularly those affected by the conflict, drawing from the various representations made to the task force by women from all parts of the country. Accordingly, the report contains separate segments on Gender and Reparations, the importance of gender sensitivity in respect of the truth, justice, reconciliation and non-recurrence commission and the inclusion of women's voices in the said process, consequences of disappearances for women, a proposal to establish a commission for justice for women and the importance of ensuring Equality and Inclusion of groups such as sex workers and women headed households etc. The said report can be accessed at www.scrm.gov.lk/documents-reports.

39. In addition to the above, the participation of women has been secured and facilitated in all other processes discussing law reform including reforms pertaining to the protection of the rights of women.

40. The number of women holding key positions in government bodies and institutions involved with policy making and proposing/deciding on legal reform is also a healthy indicator with regard to women's participation in law reform processes. Please refer to paragraphs 120 and 121 for statistics in this regard.

41. As already mentioned, the HRCSL, which, following the enactment of the 19th Amendment to the Constitution, functions as a fully independent body (vested with the authority to advise and assists the Government on formulating legislation, on measures to ensure the national laws' compliance with international human rights standards, and on the need to accede to international human rights instruments) is headed by a woman. It may also be noted that two out of the five members of the Commission are women (including the Chairperson). In addition, two women are also represented in the Sri Lanka Law Commission which is tasked with assisting the Government in the discussion and formulation of reforms to existing laws.

Enhancing awareness and knowledge of rights under the Convention on the Elimination of All Forms of Discrimination against Women

42. The MWCA has conducted a number meetings to educate government officers and civil society groups on the provisions of the Convention at the provincial, district and divisional secretariat levels. Awareness-raising programmes have also

[8] Ms. Manouri Muttettuwegama.

been conducted for the same groups on Constitutional provisions and on laws relating to gender-based violence.

43. Meetings have been conducted at the Provincial level with government officers, civil society organizations and Community Based Organizations (CBO) to obtain input in respect of the observations made by the Committee on the Elimination of Discrimination against Women. The National Committee on Women (NCW) has also conducted forum discussions on issues raised by the Committee on the Elimination of Discrimination against Women regarding female political participation, women in the informal sector female headed households and the age of consent. Following these discussions, recommendations have been formulated on required legal and policy changes and the need to conduct awareness raising programmes in all provinces.

44. In 2015, the NCW conducted several programmes at the Provincial level for Heads of Departments including Divisional Secretaries and Women and Child Bureaux of the Police on the Convention and the observations made by the Committee. These meetings have helped sensitization on gender equality, women's rights and empowerment. The need to develop an integrated approach between the central Government and the provincial councils in respect of gender related programmes has also been emphasized at these meetings. In 2016, the MWCA conducted workshops on gender mainstreaming with a view to integrating principles of gender equality in to the planning process and the allocation of resources of the Provincial Councils.

IV. Impact of conflict on women

45. As referred to in Government of Sri Lanka's letter to the Committee dated 16 October 2015 and in line with the recommendations of the United Nations High Commissioner for Human Rights, clear instructions have been issued to all branches of the security forces as well as the Police that strict action will be taken against all members of the Armed forces and Police who engage in Human Rights violations which includes torture, rape and sexual and gender-based violence.

46. In this regard the attention of the Committee is drawn to the following series of instructions/directives issued by the Ministry of Defence, H.E. the President and the HRCSL with regard to alleged Human Rights violations by the military or the Police:

(a) By letter dated 18 March 2016, Commanders of all branches of the security forces have been directed by the Ministry of Defence to issue instructions to all Armed Forces personnel that strict action will be taken against human rights violations. These instructions have been issued by the Commanders of the Army, Navy and Air Force to all members of their respective forces in March and April 2016;

(b) On 17 June 2016, H.E. the President, who is the Commander-in-Chief of the Armed Forces and the Minister of Defence, issued directions requiring the Armed Forces and the Police (1) to ensure that fundamental rights of persons arrested or detained are respected and that such persons are treated humanely; and (2) to assist and facilitate the HRCSL to exercise and perform its powers, functions and duties;

(c) In May 2016 the HRCSL issued Directives to be followed by officers arresting persons under the Prevention of Terrorism Act (PTA) to ensure the fundamental rights of persons arrested or detained and to ensure such persons are treated humanely. The Directives clearly state that torture, cruel and inhuman and degrading treatment or punishment is an offence and prohibited at all times. The Directives are based on the Directives on Arrest and Detention issued by previous Heads of State and binding human rights law standards. According to the Directives, a person arrested or detained under the PTA is afforded safeguards relating to the process with regard to the arrest, the process following the arrests and special measures for the arrests of women, and persons under 18 years of age.

Women-headed households

47. The Government of Sri Lanka has identified Women Headed Households (WHH) as a vulnerable social group comprising approximately 24 per cent of the female population of the country. Successive Commissions/Task Forces including the Lessons Learnt and Reconciliation Commission (LLRC) and the CTF have highlighted the importance of according protection, providing support and addressing the grievances of this group. Accordingly, the MWCA, in consultation with relevant stakeholders including the civil society, has formulated a national policy on WHH which was submitted for the consideration of the Cabinet in October 2016. Approving the policy, the Cabinet has instructed the MWCA to convert the policy into a National Action Plan for WHH for the period 2017-2019.

48. The aforesaid National Policy on WHH focuses on health and psychosocial support, livelihood development, support services systems, protection, social security, national level policy formulation and awareness building. Seventeen Ministries have been identified as having direct involvement in carrying out the responsibilities of the National Action Plan which is been formulated by the MWCA. The policy and the action plan have been drawn up based on a Gap Analysis of immediate needs of and existing services available for WHH, conducted in collaboration with the Office for National Unity and Reconciliation (ONUR).

49. A National Centre has been established for WHH, with offices in the war affected areas to address the pressing needs of war affected women including through the provision of counselling, legal aid, awareness raising and provision of assistance for livelihood development programmes.

50. The Cabinet has approved Rs. 50 million to support the economic empowerment of WHH. Providing financial assistance for self-employment is a key activity carried out under the Government's programme for poverty alleviation. A self-employment project which is being implemented in the Eastern Province with the assistance from the Government of India is among the several programmes launched in this regard.

51. During the period 2012- 2015, the MWCA has provided grants amounting to Rs. 75 million for programmes aimed at the economic empowerment women, covering a total of 2,521 beneficiaries including a large number of WHH. A revolving credit scheme is also in place since 2011 under which approximately Rs. 11 million has been disbursed among 518 beneficiaries for self-employment activities. WHH have also been afforded housing loan facilities by the Ministry of Housing and Construction. Special vocational and non-formal training programmes

are conducted for women who have not been able to continue with their formal education. As an immediate step to provide relief to affected women, mobile service clinics (Liya Shakthi) have been conducted in the Killinochchi District and vital civic documents have been issued by respective agencies to over, 3,000 women who had been unable to obtain the same due to the conflict.

52. Counselling officers attached to Divisional secretariats continue to provide psychosocial support for affected women.

53. It should also be noted that the Women's Rights Chapter of the NHRAP contains a separate section emphasizing on protecting and promoting the rights of Women affected by War including the implementation of the national policy on WHH, poverty reduction, preventing sexual exploitation and violence and participation of females in the transitional justice process.

Sexual and Gender-Based Violence (GBV)

54. Below are statistics pertaining to reported incidents of violence against women.

(a) Rape

Year	*Number of Complaints*	*Number of investigations concluded*	*Number of ongoing investigations*
2011	407	221	186
2012	350	248	102
2013	353	187	166
2014	326	157	169
2015	379	138	241
2016 (up to July)	175	79	96
Total	**1990**	**1030**	**960**

(b) Grave Sexual Offences

Year	*Number of Complaints*	*Number of investigations concluded*	*Number of ongoing investigations*
2011	36	21	15
2012	33	17	16
2013	23	11	12
2014	45	26	19
2015	39	16	23
2016 (up to July)	25	12	13
Total	**201**	**103**	**98**

(c) Domestic Violence

Year	*Number of Complaints*	*Number of investigations concluded*	*Number of ongoing investigations*
2011	181	145	36
2012	485	254	31
2013	526	489	37
2014	549	528	21
2015	522	506	16
2016	264	245	19
Total	**2527**	**2167**	**360**

Note: The average period of time that has elapsed between the filing of a complaint and the conclusion of the trial is approximately 4 years.

55. Action has been taken to develop a digital database on complaints related to GBV received by the 1938 Helpline and the Complaint Centre of the MWCA, and work is in progress for collection of data from the stakeholders including the Police.

56. It may also be noted in this respect that the Women's Rights Chapter (Section 13.2) of the NHRAP recommends the establishment of a special unit in the Attorney General's Department to expedite the handling of cases of sexual violence and the introduction of legislation to prohibit suspended sentences and stipulate mandatory minimum sentences in respect of grave crimes including violence against women.

Gender-sensitive procedural safeguards

57. In a significant move aimed at encouraging the reporting of offences (including violence against women) and averting revictimization, the Assistance to and Protection of Victims of Crime and Witnesses Act[9] was passed by Parliament in 2015. The Act contains a number of provisions for the protection of both victims and witnesses, thereby ensuring the effective prosecution and punishment of perpetrators.

58. All parts of the Act have been gazetted and the National Authority for the Protection of Victims of Crimes and Witnesses (a statutory body created by the Act), entrusted with the task of giving effect to the relevant provisions of the Act, has been established. The Victim and Witness Protection Division, of the Sri Lanka Police under the Authority was inaugurated on 3 November 2016.

59. With a view to strengthening gender-sensitive procedural safeguards in the existing system, 432 special units titled Children and Women's Bureaus have been set up at all police stations in the country, to prevent as well as take swift action in respect of violence against women and children. Each of the above units is headed by a female police officer.

60. The Women and Child Bureau of the Sri Lanka Police operates a hotline (2444444) to receive complaints from women around the country with regard to

[9] www.srilankalaw.lk/gazette/2015_pdf/4%20of%202015.pdf.

gender-based violence and to facilitate prompt responses to such complaints. In addition, women can also dial up the 119 emergency hotline of the police to complaint of any form of violence faced by them.

61. Taking into account barriers faced by women in the Northern and Eastern Provinces in accessing the law enforcement mechanisms, measures have been taken to increase the number of Tamil-speaking female police officers in the Police. Accordingly, 26 Tamil female officers were recruited to the police pursuant to a gazette notification published and interviews conducted in 2015. The Government expects to recruit at least 200 more female Tamil-speaking officers within this year. However, a challenge faced in this respect is the dearth of female Tamil candidates possessing the requisite educational and other qualifications.

Training for law enforcement officers

62. Training in the area of human rights including women's rights is part of the curriculum for members of the Police at the time of recruitment, promotion and while in service.

63. Key human rights related Conventions including the Convention on the Elimination of Discrimination against Women are taught in military and police training programmes as an important component of the syllabus. International as well as national experts, practitioners and academics contribute to teaching and training on a regular basis.

64. Even in the degree awarding tertiary institution established for military personnel, the Kotalawala Defence University, where many military cadets pursue degree programmes, human rights is taught as an important component of the academic programme. The concept of education or specific training on human rights has moved from teaching and theoretical work to participating and contributing to work at the community level thereby practicing what was learned.

65. Human rights and humanitarian principles and international Conventions form part of the curricula of the Police Academy and Training and Immersion Programmes. Members of Sri Lanka Police are provided training in this regard under local and foreign programmes conducted with the assistance of the officials of Scotland-yard Police Academy. Officials who have participated in trainings for trainers (TOT) continue to provide training to other members of the Police.

66. The Government of Sri Lanka, in collaboration with UNDP, currently runs several programmes aiming to build human rights enforcement capacity among police prosecutors, lawyers, and prison officers. One such project was conducted in collaboration with the University of Sydney and resulted in the training of several mid-level officers in the military, police and Prison Department in human rights, in order to build training capacity within these institutions. Follow up assessments are conducted by the Police Legal and Crimes Divisions.

67. The HRCSL has also conducted a number of training programmes for the military and the police on human rights. Details of the programmes conducted by HRCSL in 2015 and 2014 are at Annex I.

68. Details of training programmes conducted for members of the security forces during the period 1997 to 2013 are at Annex II.

Economic and social rights of widows, WHHs and internally displaced persons

69. The measures taken by the Government in furtherance of the economic and social rights of WHHs have been discussed in detail in paragraphs 48 to 54.

70. With regard to internally displaced women, it must be noted that providing durable solutions including lands, housing and amenities for internally displaced persons constitutes a priority for the Government of Sri Lanka in its post-conflict development and reconciliation agenda. Special attention is accorded to the needs of women and children in the resettlement of internally displaced persons.

71. As at end August 2016, the Government had resettled a total of 253,231 families consisting of 882,392 individual persons. The number of persons remaining to be resettled is 13,670 families consisting of 43,607 persons.

72. The Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs has developed a Policy on Durable Solutions for the Displaced and Persons Affected by Conflict Displacement with technical assistance from the Office of the United Nations High Commissioner for Refugees.

73. The Policy has been drawn up based on, inter alia, draft policies drawn up in previous years and other key documents such as the Report of the Lessons Learnt and Reconciliation Commission, and in line with key principles enshrined in national and international law. The Policy is an inclusive one. Hence, it will focus on durable solutions for the Internally Displaced and those affected by conflict displacement.

74. Through the Policy, the Government of Sri Lanka has committed to a comprehensive age, gender and diversity sensitive approach to the development and implementation of assistance to the displaced, refugee returnees and other displacement-affected persons. Accordingly, the Government has undertaken to implement disaggregated and targeted responses to address the special vulnerabilities of certain groups including women, particularly WHHs and nursing and expectant mothers. The Policy stipulates that displaced women should be able to exercise their right to property and right to self-development (including employment), and should be provided with access to female health-care providers and services such as reproductive health care and psychosocial care. The Policy also requires the State to provide displaced women with the right to physical safety and privacy, and protection from all forms of violence, exploitation and abuse.

75. The above Policy was approved by the Cabinet on 27 August 2016. The approved Policy has been forwarded to relevant agencies to be incorporated into their respective work programmes. The Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs has aligned its budget for 2017 with the implementation of the measures identified in the Policy.

76. The Government provides financial support to the civilians who return to live on their lands that have been released. This includes allowances amounting to around Rs. 40,000/- for clearing the land, purchasing equipment and food and for constructing a temporary shelter.

77. Rs. 14 billion has been allocated for the infrastructure development of conflict-affected areas of the Northern and Eastern provinces. It is planned to build

approximately 10,000 houses with sanitary units; 2,400 partly damaged houses will be renovated. 7,600 toilets will be constructed; a livelihood programme for 12,000 families will also be implemented by utilizing the allocated funds. Preference will be given to recently released areas for construction of houses.

78. In addition, funds have been provided to meet the immediate needs of newly resettled families through the Peacebuilding Fund's Immediate Response Facility (IRF) at the request of the Government.

79. The intention of the Government is to ensure the resettlement of all conflict related internally displaced persons by the end of 2017. A snapshot of the different projects implemented/envisaged to be implemented by the Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs to ensure the economic and social rights of internally displaced persons is at Annex III.

80. The military forces continue to identify the State and private lands to be released in order to support resettlement and other development activities in the North and the East. Since May 2009 to date, 53,008.12 acres of State land and 24,006.60 acres of private land have been released in the Northern and Eastern provinces. The above figures include 31250.71 acres of State land and 3,860.94 acres of private land released since January 2015. Approximately 2,570 acres of land in Killinochchi, Mullaitivu, Vavuniya, Trincomalee, Batticaloa and Ampara districts have been earmarked for release in 2017. Releasing of land involves mine clearing, finding suitable alternative locations for camps, shifting military installations, etc. which is a gradual process. The surveying of lands that are yet to be released is in progress.

81. The NHRAP in the Chapter of the rights of the internally displaced persons and the Chapter of the Rights of Women also recommends the need to ensure that WHH and internally displaced persons have durable housing.

82. While the measures outlined above are primarily aimed at benefiting conflict-affected women in the North and the East including widows, FHHs and displaced women, a system is also in place to support female family members of military and police personnel who have died, gone missing or sustained injuries due to the war. The Seva Wanitha Units of the tri-forces and the police, and the Rana Viru Seva Authority established under the Ministry of Defence have taken many initiatives to:

(a) Provide financial assistance to construct houses for families of service personnel;

(b) Provide such families with necessary housing loan schemes;

(c) Offer educational scholarships to children of such families;

(d) Provide them with adequate welfare and financial assistance in emergencies.

83. In addition to the policy and administrative measures outlined above, the Government of Sri Lanka wishes to draw the attention of the Committee to the following significant legislations that were enacted/are awaiting enactment, with a view to addressing certain long-standing grievances of women affected by the conflict, particularly the families of missing persons:

(i) The Office on Missing Persons Act, No. 14 of 2016:

84. The Office on Missing Persons Act was passed by Parliament and was certified by the Speaker on 23 August 2016. In terms of the Act, the Office has been conferred with a range of investigative powers as required, and will be empowered to provide appropriate mechanisms for searching and tracing of missing persons. Thus, the work of the Office will advance the right to the truth and will provide a mechanism through which families could obtain information about their missing relatives.

85. The Chairperson and the Members of the OMP will be appointed upon the nominations made by the Constitutional Council. The OMP will also have its own witness and victim protection unit in accordance with the legislation approved by Parliament.

(ii) Amendment to the Registration of Deaths (Temporary Provisions) Act No. 19 of 2010

86. The above amendment was enacted by Parliament on 25 August 2016 enabling the issuance of Certificates of Absence to those who claim that their family members are missing. The Certificates will enable families of missing persons to apply for benefits under social welfare schemes, temporarily manage, under the supervision of the District Court, the property and assets of the missing person and act as a provisional guardian for dependent children of the missing person. The Registrar General's Department is currently receiving applications for Certificates of Absence from the public.

(iii) Law on Enforced Disappearances

87. Sri Lanka signed the Convention on Enforced Disappearances on 10 December 2015. With a view to incorporating the provisions of the Convention into the domestic law and criminalizing enforced disappearance, draft legislation has been formulated and submitted to the Cabinet for the purpose of taking further steps required to enact the draft law. Once enacted, the new law on enforced disappearances will significantly strengthen Sri Lanka's legal system in terms of prosecuting and punishing perpetrators and preventing enforced disappearances in the future.

Implementation of Security Council resolution 1325 (2000)

88. A draft Action Plan has been prepared by the MWCA on the implementation of Security Council resolution 1325. The Ministry intends to conduct consultations with Provincial Councils, District secretariats and the community to finalize the aforesaid Plan. The draft Plan addresses sexual violence in armed conflict, participation of women in political and public life, gender training for security forces, capacity development on gender mainstreaming, addressing gender in reconstruction and rebuilding programmes, and poverty alleviation among women affected by war.

89. It may be noted, however, that a number of activities pertaining to the areas covered by the Resolution are also being carried out under certain State-sponsored programmes and have been included in the NHRAP 2017-2021, despite the absence of an action plan dedicated exclusively for the implementation of the Resolution.

V. National machinery for the advancement of women

90. The concurrence of the Legal Draftsman has been obtained for the Bill to establish the National Committee on Women. Following the receipt of clearance of the Hon. Attorney General and the approval of the Cabinet, the Bill can be presented in Parliament. In terms of the draft Bill, the Chairperson and the members of the Commission will be appointed by the President on the recommendation of the Constitutional Council, thus guaranteeing the independence of the Committee. It has also been proposed to set up a 'National Fund for Women' to receive funds voted from time to time from the Parliament and by way of aid, gift, and grants, local and foreign, with the approval of the Government.

Appointment of Gender Focal Points

91. In December 2016, the Cabinet of Ministers approved the establishment and strengthening of 'Gender Mainstreaming Committees' to address matters pertaining inter alia to gender discrimination at work. Accordingly, Gender Focal Points will be established in all government ministries with the mandate to:

(a) Promote gender mainstreaming policies and practices to eliminate discrimination against women;

(b) Develop projects and programmes in line with equity principles;

(c) Maintain gender balance and implementing gender budgeting;

(d) Formulate programmes, systems and measures to minimize the occurrence of work place harassment.

92. The responsibility of establishing anti-sexual harassment committees is also vested with the Gender Focal points.

93. The key activities of the gender focal points will be as follows:

(a) Promoting gender-based policies and practices within the Ministry as well as in the institutions affiliated to it;

(b) Reviewing the current policies and practices within the Ministry and submitting proposals and recommendations in order to amend these policies and practices to enable the implementation of the same based on gender equality;

(c) Formulating policies, rules, plans and programmes in order to ensure gender mainstreaming in achieving the targets of the Ministry, as well as the sustainable development goals;

(d) Creating and maintaining projects and programmes based on gender mainstreaming within the Ministry as well as in the institutions affiliated to it;

(e) Formulating programmes, systems and measures to minimize the occurrence of gender-based violence within the Ministry as well as in the institutions affiliated to it;

(f) Taking measures to maintain Gender balance in the decision making process of the Ministry and the affiliated institutions and in the committees appointed for that purpose;

(g) Avoiding attitudes which are damaging to women and girls in the implementation and creation of programmes and implementation of programmes to ensure equality and equity;

(h) Giving priority to gender budgeting in formulating all programmes of the Ministry;

(i) Analysing whether equal budget allocations have been made for men and boys and women and girls in formulating projects and programmes and whether both parties have benefitted equally through that;

(j) When projects and programmes are formulated by the Ministry, formulating and planning the same based on gender budgeting;

(k) Monitoring whether the Ministry and its affiliated institutions are acting in line with "Allocating a minimum of 25 per cent of the project investments for rural economic development for women" bearing number 15/1983/740/005 dated 09.03.2016 submitted by the Ministry of Women and Child Affairs;

(l) Following up on, analysing and auditing the implementation of gender-sensitive programmes;

(m) Formulating programmes, systems and measures to minimize the occurrence of gender-based violence within the Ministry and in the institutions affiliated to it;

(n) Acting under the cabinet note dated 3 May 2006 bearing number 06/0746/223/003 and titled "Establishment of Committees of Inquiries regarding sexual harassment at work place" presented by the then Ministry of Child Development and Women Empowerment;

(o) To act in line with this cabinet note, the guide lines prepared by the National Committee on Women under the Ministry of Women and Child Affairs have to be followed;

(p) Setting up committees within the Ministry and other Institutions and follow up on its activities;

(q) Creating an environment that facilitates relief through these committees for sexual harassment and violence against women within the institutions;

(r) Referring persons who requires relief and services to obtain counselling services and health services and legal assistance as required.

94. The MWCA has issued a circular to all Ministries instructing to establish gender mainstreaming committees and gender focal points in their respective agencies as per the decision of the Cabinet.

VI. Temporary special measures

95. The MWCA has undertaken a study on "Equal political representation of women in Sri Lanka" in which the issues faced by women in politics have been documented, and recommendations made to address the same. This includes the allocation of 25 per cent quota of nominations for women at the Local Government

level, following the enactment of the Local Authorities Elections (Amendment) Act in 2016, and the proposal to considerably increase female representation in Provincial Councils as already stated. Measures have been undertaken in recent years to accelerate the achievement of substantive equality between men and women in areas where underrepresentation has been observed.

VII. Stereotypes and harmful practices

96. With regard to the position taken in its Report that "gender roles stereotyping continue to decline", the Government of Sri Lanka wishes to clarify that gradual attitudinal changes are taking place in respect of societal views on gender stereotypes. In a study conducted on the school curriculum, it was found that "there have been serious attempts made to challenge gender role stereotypes through texts and illustrations, especially with regard to the gender division of labour".[10] However the study indicates challenges still remain in this area.

97. Both the NHRAP and the National Plan of Action for addressing Sexual and Gender Based Violence (NPSGBV) include strategies to eliminate stereotypes in the media with special focus on the entertainment industry, and to create awareness programmes targeting the general public, students and religious groups.

98. The discourse on the need to redefine the Head of Household concept in gender neutral terms is ongoing. Discussions have been held with State agencies regarding the allocation of land, discriminatory contents in the Birth Certificate template and in service delivery.

VIII. Gender-based violence against women

99. The Policy Framework and National Plan of Action to address Sexual and Gender-based Violence (NPSGBV) for the period 2016-2020 was approved by the Cabinet in June 2016 and included in the medium-term budgetary framework of the Government of Sri Lanka.

100. The process of formulating the Policy Framework and Action Plan was participatory and consultative, with extensive consultations having been held with Ministries, International Organizations and the civil society. The Plan addresses SGBV in all its manifestations, and is all encompassing in that it cuts across nine lead sectors namely, child affairs, disaster management, economic development and employment, education, empowerment and prevention, foreign employment, health, justice and mass media.

101. It recommends a policy framework which based on upholding human rights and gender equity and equality, and adopts a comprehensive and holistic three pronged approach of prevention, intervention and advocacy for policies and laws, to combat and address SGBV. The Full text of the NPSGBV is available at www.childwomenmin.gov.lk/English/downloads/laws.

[10] Abeysekera, Asha "Gender ideologies in the School Curriculum: Textual Analysis of Secondary School Text books" (2012).

102. As for awareness raising on SGBV, it may be noted that a new referral system with a multi-sectoral approach has been introduced in six districts to facilitate the effective response to and prevention of incidents of SGBV. Consultations have been held with law enforcement officers, medical personnel, health-care workers, village leaders and representatives from schools in the six districts, to review the GBV response mechanisms.

103. Regular educational and awareness raising programmes are conducted for communities on SGBV by Women Development Officers attached to the 356 Divisional secretariats in the form of workshops, with the support of Women's Federations.

104. As already explained in paragraphs 62 to 68, training and awareness raising programmes are conducted by the HRCSL, the Tri-Forces, Sri Lanka Police, and INGOs on SGBV and Human Rights.

Reviewing the Assistance to and Protection of Victims of Crimes and Witnesses Act

105. A Committee has been appointed by the Hon. Minister of Justice to conduct a review of the Act and propose amendments. The Committee has so far had four sittings and continues to review each section of the Act with a view to making appropriate recommendations.

106. In the meantime, the Cabinet, in July 2016, approved the amendment of the Protection of Victims of Crime and Witnesses Act to facilitate the leading of evidence from remote locations outside Sri Lanka. The Ministry of Justice has received the draft amendment from the Legal Draftsman, which has now been forwarded to Hon. Attorney General for constitutional clearance.

107. The MWCA has established six shelters in different locations to accommodate survivors of SGBV including three shelters in the Northern and Eastern regions of the country. Two more shelters are expected to be established this year. These shelters provide temporary but comprehensive protection, care and transitional residential facility services to women experiencing violence in the domestic sphere or elsewhere. Support services such as medical, legal and psychosocial assistance are also provided. Shelter guidelines were prepared and approved by the Cabinet in 2016. The Ministry has supported 43 Women and Children's Police Desks around the country by way of infrastructure development and capacity-building of officers who are the first contact point for most survivors seeking legal redress.

108. Counselling centres have also been established in 40 major hospitals to provide medical care and counselling to SGBV victims. Staff has been trained in befriending skills, basic concepts of gender, and the health consequences of violence against women. Women in Need, a non-governmental organization, also provides counselling services to victims of violence. The Legal Aid Commission which has over 70 branches across the country provides legal support to victims/survivors of violence. From 2006 to 2015, the Legal Aid Commission has filed 600 cases under the Prevention of Domestic Violence on behalf of victims/survivors of domestic violence.

109. The MWCA has developed a data base to collect information on GBV with UNFPA assistance. Data collection for setting up the database commenced in July 2016.

Marital rape

110. The existing criminal law provisions have recognized marital rape only in circumstances of judicial separation. The Task Force appointed by the Hon. Prime Minister to make recommendations for the implementation of the opposition leaders report on violence against women and girl child as well as the Law Reforms Committee appointed by the MWCA has recommended the need amendment of the criminal law provisions to ensure that the offence covers all circumstances where the consent of the spouse is absent, regardless of the degree of violence it entails.

111. As already explained in detail in paragraphs 28 and 29, the Committee appointed by the Ministry of Justice to review the Criminal Law provisions, is in the process of discussing the matter for the purpose of proposing appropriate amendments.

112. It may be noted that the Women's Rights Chapter of the NHRAP has also recommended the preventing marital rape through criminal sanction, without any exceptions, including where spouses are judicially separated.

Discrimination on the grounds of sexual orientation

113. Article 12(2) of the present Constitution stipulates that 'no citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any such grounds'. It is clear that the grounds of non-discrimination set out in the said article are not exhaustive and could cover differences pertaining to sexual orientation as well.

114. During the ongoing Constitutional Reform process, it has been proposed by the sub-committee on Fundamental Rights of the Constitutional Assembly to specifically include "sexual orientation" as a ground of non-discrimination, thus clarifying any uncertainty as to whether discrimination based on sexual orientation is prohibited under the Right to Equality. The formulation suggested by the Sub-Committee in its report to the Steering Committee is as follows:

> No person shall be arbitrarily discriminated against on any ground including race, gender, sex, sexual orientation, gender identity, maternity, marital status, parental status, cast, ethnic or social origin, age, disability, religion, conscience or belief, political or other opinion, culture, language, place of birth or place of residence.

115. It is observed that an equality provision to the above effect would seek to overcome the impact of the applicable criminal law provisions affecting the LGBTIQ community, when post enactment judicial review of legislation is provided for under the new Constitution, which is envisaged.

116. It is also pertinent to note that, no person has so far been convicted by the Courts under Section 365 and 365(a) of the Penal Code.

IX. Trafficking and exploitation of prostitution

117. On 3 February 2016, the Government of Sri Lanka adopted the National Strategic Plan to Monitor and Combat Human Trafficking 2015-2019. The National Anti- Human Trafficking Task Force continues to monitor the implementation of the Strategic Plan.

118. The Action Plan prepared based on recommendations made by the Leader of the Opposition's Commission on Violence against Women and the Girl Child seeks, inter alia, to:

(a) Repeal the Vagrants Ordinance;

(b) Strengthen implementation of laws on force prostitution and trafficking for prostitution and penalize those who exploit women in brothels, ensuring that women sex workers are not prosecuted.

119. The implementation of the Action Plan is monitored by a high level committee chaired by the Hon. Prime Minister. It is envisaged that legal reform in this regard will be initiated in the future.

X. Participation in public and political life and in decision-making

120. The number of women in representative bodies and holding key positions in the Government involved with policy making has generally demonstrated an increase. In this regard, it is noted that 13 and 23 women are represented in the Parliament and in the Provincial Councils of Sri Lanka respectively. Measures to increase this figure, are among the proposals made to the Steering Committee of the Constitutional Assembly in November 2016.

121. Currently, 16 women serve as secretaries to Cabinet and State Ministries. In the Judiciary, 3 female justices serve in the superior courts, 17 in the High Court, 8 in the District Courts and 25 in the Magistrate's Court. Women counsels comprise more than half of the Official Bar at the Attorney General's Department. According to the Bar Association of Sri Lanka, around 55-60 per cent of Sri Lanka's Private Bar (consisting of 14,000 attorneys-at-law) are women lawyers. Sri Lanka has had females serving in the positions of both the Chief Justice and Attorney General.

122. The MWCA has developed a set of criteria for selection of women candidates for the Local Government elections which has been forwarded to the political parties for consideration. With the introduction of the quota for women, State and civil society organizations have conducted awareness programmes for women's groups, encouraging and facilitating them to enter the local government political system.

123. As for numerical goals, benchmarks, timetables and quotas for nomination of women in political and public life, it may be noted that the NHRAP envisages the taking of the following measures:

(a) Increase participation of women in political and public life through temporary special measures such as reserving of a minimum number of nominations to women candidates in local, provincial and national elections (medium-term);

(b) Extending pressure and lobbying with political parties for the provision of quota system in parliament and provincial councils through making provision in the election law (short-term);

(c) Conducting special training programmes for enhancing the skills of potential women candidates (medium-term);

(d) Promote development of guidelines for nominations and appointments of women to Parliament, Provincial Council and Local Authorities (short-term).

124. Of note in this regard is Sri Lanka's decision to become a signatory to the Open Government Partnership (OGP) in October 2015 under which one of the commitments is women's political participation. Several milestones have been identified under the OGP in this respect and are being followed up.

125. Equal sharing of family responsibilities: Sharing of family responsibilities by women and men is an area discussed at gender awareness raising programmes.

126. The equal sharing of family responsibilities has also been identified in the NHRAP in the form of several action points which recommend the following:

(a) Amending the Maternity Benefits Ordinance and Shop and Office Act to enhance maternity benefits and include paternity leave in the private sector;

(b) Amending the Maternity Benefits Ordinance/Establishments Code to enhance paternity leave in the public sector;

(c) Extending parental leave on full-pay in situations where infants are diagnosed with impairment and disability;

(d) Extending benefits for adoptive parents, establishment of a fund to compensate for employers' cost in granting such benefits;

(e) Establishing and developing a network of childcare facilities to enable parents to combine family obligations and work responsibilities;

(f) Effectively enforcing provisions of the section 12A Maternity Benefits Ordinance, No. 32 of 1979 to ensure mandatory establishment and maintenance of crèches in workplaces and provision of mandatory nursing intervals;

(g) Extending the application of Section 12A by reducing the prescribed minimum number of women workers.

XI. Employment

127. The recommendations given in the National Human Resources and Employment Policy have been included in the NHRAP (2017-2021). Directions have been issued by the Prime Minister's Office to set up Childcare Centres at work place. The treasury has allocated Rs 20 million for refurbishing the Centres. Guidelines have also been developed for establishing, monitoring and managing the Centres. Under the Early Child Development Project funded by the World Bank it is

planned to set up 600 Day-Care Centres in the plantation sector enabling women to leave their children behind and be engaged in their occupation.

128. Unemployment rate of women in the country has reduced to 6 per cent as a result of more women being recruited to the government sector. Promotional programmes are ongoing for women to make use of the opportunities afforded by the Government to engage in non-traditional vocational training. More women are engaged in entrepreneur development activities with increased access to credit, technology, business knowledge and markets. A programme titled Suhuruliya was launched in 2016 to develop the capacity of women entrepreneurs to utilize ICT to enhance their business.

129. The MWCA is currently conducting a research on women working in the informal sector with special reference to women unpaid care workers, and an Action Plan will be developed based on the findings of the study. The Ministry of Social Empowerment and Welfare serves the needy with special attention to the under privileged and vulnerable persons in the community such as low income families, persons with disabilities, single parent families and Elders. The Ministry implements monthly cash transfer programmes such as Samurdhi assistance for low income families, disability payment, payment for chronic diseases and payment for elders over 70 years of age as part of social protection for vulnerable groups in the community.

130. A contributory pension scheme is implemented through the Social Security Board for non-formal sector employees. Currently around 23,100 elders receive a monthly pension of which majority are women. The Divi Neguma programme provides financial assistance to the beneficiaries enrolled during births, marriages, illnesses and deaths.

131. The Civil and Political Rights Chapter of the NHRAP recommends the ratification of the ILO Convention 189 on Domestic Workers.

132. The NHRAP seeks the implementation of the following during the next five years to achieve the objective of reducing female unemployment and concentration of women in low-skilled, low-paid jobs:

(a) Repealing laws and regulations that discriminate women in the workforce;

(b) Investment in training women for higher skilled occupations in the formal and non-traditional areas; example, in the IT sector;

(c) Providing Vocational Training programmes to ensure special measures to break gender barriers for women to access training classes;

(d) Creating awareness among students, parents and teachers to encourage girls to participate in technical and vocational education;

(e) Recruitment of female graduates and placement of more women in management training programmes to increase employment of women in the Private and Corporate sectors;

(f) Provision of incentives for setting up well monitored crèches for young children of employed women;

(g) Investing in public transport to ensure safe and regular services for working women;

(h) Encouragement of more flexible work arrangements in the formal sector such as part time work and work that can be carried out on line;

(i) Advocacy on promoting the roles and responsibilities of men in child care and family responsibilities;

(j) Equitable participation of girls in market relevant courses particularly in growth sector;

(k) Engaging industry representative to promote equal entry into the labour market through trained and qualified women;

(l) Encouraging girls to seek high level training and education in the field of computer and information technology;

(m) Ensuring strengthened life skills and competencies among students;

(n) Revisiting the practical and sustainable use of the Rural and Water Supply and Sanitation (RWSS) policy, where-by a considerable responsibility is given to the communities to manage and coordinate their own access to water;

(o) Affirmative action to increase the number of women in decision making positions in the public sector;

(p) Conducting consultations with the private sector through intermediate bodies such as the Chamber of Commerce and EFC to formulate a plan of action to increase the number of women in decision making positions in the private sector;

(q) Amending to Section 2A of the Employment of Women, Young Persons and Children Act, No. 47 of 1956 to include measures necessary to ensure safety of women when traveling home after night work.

Sexual harassment in the workplace

133. The "Policy against Sexual Harassment in the Workplace" developed in 2005 by the HRCSL applies to all State Sector Institutions. This policy sets out processes for the setting up of a Committee to inquire into allegations of Sexual Harassment at the workplace, a complaints procedure and penalties for those who are found responsible for sexual harassment. The functions of the Committee includes receiving and inquiring into complaints of sexual harassment and submitting reports along with relevant recommendations ,preventing incidents of sexual harassment and conducting sensitization programmes for staff.

134. In case of rape and assault, if an investigation establishes the offence committed, the accused will be dismissed in addition to the punishments received under penal provisions. For cases not constituting assault or rape, the accused can be given a written warning, temporary interdiction or dismissal, depending on the severity of the offence. (As Sexual Harassment is recognized as a Criminal Offence under the Penal Code in Sri Lanka, such complaints are also reported to police.) The policy also covers acts of reprisals against the for filing complaints.

135. As explained in detail in paragraphs 91 to 94, the establishment of Anti-Sexual Harassment Committees at all levels of State institutions (National, District and

Divisional) has been included in the Gender Mainstreaming Ministerial Programme that was approved by the Cabinet in December 2016.

XII. Health

136. The Family Health Programme of Sri Lanka comprises a network that reaches all communities of the Country down to the grass-root level. It is formed of a well-organized health-care system implemented through the divisional health-care units.

137. Under the Family Health Programme, services, including Reproductive Health Services are accessible to all women and adolescents of the country without any requirement of consent from adults.

138. A major share of the Family Health Programme's interventions are preventive in nature, while some focus on secondary care. The programme comprises several major components aimed at promoting maternal, child and adolescent health. It also includes a family planning and women's health component incorporating premenopausal care and gender concerns. It is estimated that approximately 15 million Sri Lankans benefit from this programme.

139. The details pertaining to the status of draft legislation for liberalization of laws relating to abortion have already been discussed in paragraphs 26 and 27.

XIII. Rural women

140. With the approval of the Cabinet, action has been taken by the MWCA to mainstream gender in Line Ministries through promoting gender responsive policies and programme with special reference to gender budgeting.

141. These Ministries have been requested to allocate a minimum of 25 per cent of project investments for rural economic development of women. This includes financing livelihood projects and the development of infrastructure which will help women to access resources such as water, electricity etc. The goals of this programme are:

(a) To increase women's economic empowerment and economic independence;

(b) To reduce unemployment among women and create opportunities for employment;

(c) To reduce poverty and thereby reduce their vulnerability to GBV;

(d) To increase women's access to resources and provide opportunities for investment and savings.

142. It is expected to include the above programmes in the District and Divisional level plans of the Government.

143. The National Development Plan for the period 2012-2017 focuses on providing free health services in an equitable manner to rural, poor, under served, vulnerable and post conflict communities. It also seeks to ensure the delivery of community oriented health-care services. The education policy framework is aimed

at increasing equitable access to education, continuation of free education, extending the age of compulsory education to 16 years, developing selected secondary schools in all Divisions to reduce disparities, and increasing access to science.

144. "Divi Neguma" is the largest poverty alleviation programme in Sri Lanka disbursing around 46 billion per year. It comprises welfare and promotional components which reach 1.5 million households including WHH. (receiving Rs 3,500 per month per family) A maximum sum of Rs 100,000 is provided for low income families for self-employment activities and 8,353 families have benefitted during 2015. Further 2,504 families have been provided with up to Rs 75,000 each as housing assistance in 2015. A scholarship programme is in place whereby Rs 1,500 to Rs 10,000 is awarded to Advanced Level students of Samurdhi beneficiary families. Disaster relief, Provision of food for school children, and nutrition programme for pregnant mothers and children are some other protection measures that are being implemented for vulnerable communities.

145. There are 1,074 Samurdhi Banks and 331 Samurdhi Bank Societies in operation island-wide. They provide microcredit to low income families. In 2015 around 450,000 families have been provided credit facilities to the value of Rs 26 billion. It may be noted that women comprise the majority of the beneficiaries of these programmes.

XIV. Migrant women

146. The State makes every possible effort to provide protection to migrant workers and their family members. Sri Lanka maintains 16 Labour Sections in the Diplomatic Missions of 14 major labour receiving destinations. Around 121 staff have been deployed at these sections to ensure the welfare and protection of migrant workers. Eight safe houses are also maintained for female domestic workers who seek shelter due to various reasons. Currently, there are about 500 women who have been offered shelter in these safe houses. They are provided expenses for food, medicine, shelter, and other necessary items in addition to the legal and other support services, including repatriation costs.

147. The Sri Lanka Bureau for Foreign Employment (SLBFE) has a fully automated web-based complaint management system in respect of grievances related to foreign employment. The aggrieved parties can lodge their complaints at the Head Office or at any of the decentralized Regional Offices which have been vested with the power to summon the persons concerned, to conduct inquiries into the complaints and grant redress. The SLBFE has a separate division for conciliation of disputes. The Labour Sections attached to Sri Lanka Diplomatic Missions abroad also accept complaints directly from the workers. Upon Receipt of complaints, the Missions take necessary action in terms of the prevailing labour laws of the receiving countries. They also maintain close official relationships with the local authorities in the said countries for the purpose of arriving at settlements with regard to complaints received. Measures have been taken to create awareness among migrant workers' family members regarding the complaints mechanism.

148. With a view to harmonizing the domestic legislation with the provision of the Convention of Migrant Workers and their families, the Government of Sri Lanka has undertaken several measures including the revision of the existing Sri Lanka Bureau of Foreign Employment (SLBFE) Act No. 25 of 1985 twice in 1994 and 2009, and formulating new legislation titled Sri Lanka Employment Migration Authority (SLEMA) Act which seeks to set up an authority on Migration that would provide a more expanded role for the SLBFE. The new legislation would provide for the establishment of a National chamber of licensed foreign employment agencies and the setting up of a Foreign Employment Promotion Fund.

XV. Equality in marriage and family relations

149. Reference is requested in paragraphs 32 to 34.

150. The draft amendment to the Land Development Ordnance has been submitted to Legal Draftsman's Department for finalization (see paras. 18 and 31).